

Pastor	Sandlin	Tierney
Payne	Sawyer	Torres
Pelosi	Schumer	Towns
Pomeroy	Scott	Velazquez
Poshard	Serrano	Vento
Rahall	Skaggs	Visclosky
Rangel	Skelton	Waters
Reyes	Slaughter	Watt (NC)
Rodriguez	Smith, Adam	Waxman
Ros-Lehtinen	Snyder	Wexler
Rothman	Stark	Weygand
Roybal-Allard	Stokes	Wise
Rush	Strickland	Woolsey
Sabo	Stupak	Wynn
Sanchez	Taylor (MS)	Yates
Sanders	Thompson	

NOT VOTING—7

Berman	Farr	Lewis (GA)
Boyd	Gonzalez	
Etheridge	Lewis (CA)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

§56.14 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. FAWELL, by unanimous consent,

*Ordered*, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming and other changes as may be necessary to reflect the actions of the House in amending the bill.

§56.15 CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 465 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The SPEAKER pro tempore, Mr. EWING, by unanimous consent, designated Mr. MCHUGH as Chairman of the Committee of the Whole; and after some time spent therein,

§56.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SHERMAN:

At the end of the bill, add the following new title:

TITLE V—PUBLIC ACCESS TO FBI DATABASE ON SEXUAL OFFENDERS

SEC. 501. ESTABLISHMENT OF TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE ON SEXUAL OFFENDERS.

Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.) is amended by adding at the end the following new section:

“SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE.

“(a) ESTABLISHMENT.—(1) The Attorney General shall establish, publicize, and operate a national telephone service by which a person (as defined in subsection (f)(2)) may request the information described in paragraph (2).

“(2) The information described in this paragraph is whether an individual (as defined in subsection (f)(3)), other than a victim of an offense that requires registration under this subtitle, is listed in the database established under section 170102.

“(b) PREREQUISITE FOR ACCESS TO INFORMATION.—The Attorney General shall not disclose the information described in subsection (a)(2) unless the person seeking such information provides his or her full name, the full name of the individual, and one or more of the following:

“(1) The address of the individual's residence.

“(2) The individual's Social Security number.

“(3) The individual's driver's license number or the number the identification card issued by State or local authorities in lieu of a driver's license.

“(4) The individual's date of birth.

“(5) Such other information as the Attorney General determines to be appropriate for purposes of identification of the individual.

“(c) NOTICE TO CALLER.—Prior to disclosing information described in subsection (a)(2), and without charging a fee for the same, the Attorney General shall provide the following general information in the form of a recorded message:

“(1) The requirements described in subsection (b).

“(2) The fee for the use of the telephone service.

“(3) A warning that information received pursuant to such request may not be misused, as described in subsection (e), and notice of the penalties for such misuse of the information.

“(4) A warning that the service is not be available to persons under 18 years of age.

“(5) Such other information as the Attorney General determines to be appropriate.

“(d) FEES FOR USE OF SERVICE.—

“(1) FEE FOR ACCESS TO INFORMATION IN DATABASE.—The Attorney General shall charge a fee for each use of the service for information described in subsection (a) from the service.

“(2) LIMITATION ON NUMBER OF REQUESTS.—A person may not make more than two requests for such information per use of the service.

“(3) USE OF FEES TO DEFRAY EXPENSES OF SERVICE.—To the extent provided in advance in appropriations Acts, moneys received under paragraph (1) shall be used to pay for the expenses of the operation of the service.

“(e) PENALTIES FOR MISUSE OF INFORMATION.—

“(1) PROHIBITIONS.—Whoever, having obtained information described in subsection (a)(2) from the service, knowingly uses such information—

“(A) for any purpose other than to protect a minor at risk; or

“(B) with respect to insurance, housing, or any other use that the Attorney General may determine—

“(i) is unnecessary for the protection of a minor at risk or;

“(ii) which creates a disproportionate prejudicial effect,

shall be punished as provided in paragraph (2).

“(2) CIVIL PENALTY.—Each person who violates the provisions of paragraph (1) shall be subject to a civil penalty imposed by the Attorney General of not more than \$1,000 for each violation.

“(f) DEFINITIONS.—As used in this section:

“(1) MINOR AT RISK.—The term ‘minor at risk’ means a minor, as that term is defined in section 2256(1) of title 18, United States Code, who is or may be in danger of becoming a victim of an offense, for which registration is required under this subtitle, by an individual about whom the information described in subsection (a)(2) is sought.

“(2) PERSON.—The term ‘person’ means a person who requests the information described in subsection (a)(2).

It was decided in the { Yeas ..... 247  
affirmative ..... } Nays ..... 175

§56.17 [Roll No. 229]  
AYES—247

Abercrombie	Green	Pappas
Ackerman	Gutierrez	Pascrell
Aderholt	Hall (TX)	Pastor
Allen	Hansen	Payne
Andrews	Harman	Pease
Baessler	Hayworth	Peterson (MN)
Baldacci	Hefley	Peterson (PA)
Barcia	Herger	Petri
Barrett (NE)	Hill	Pickering
Bartlett	Hilleary	Pomeroy
Bentsen	Hinchey	Poshard
Bereuter	Hinojosa	Price (NC)
Berry	Hoekstra	Pryce (OH)
Bilbray	Holden	Quinn
Bilirakis	Hooley	Radanovich
Bishop	Horn	Ramstad
Blagojevich	Hostettler	Redmond
Bono	Hoyer	Reyes
Borski	Hulshof	Riley
Boswell	Istook	Rivers
Brady (TX)	Jackson-Lee	Rodriguez
Brown (CA)	(TX)	Roemer
Brown (OH)	Jefferson	Rogan
Bryant	Jenkins	Ros-Lehtinen
Bunning	John	Rothman
Burton	Johnson (CT)	Roukema
Calvert	Johnson (WI)	Royce
Camp	Jones	Ryun
Campbell	Kaptur	Salmon
Cannon	Kelly	Sanchez
Capps	Kennedy (MA)	Sandlin
Carson	Kennedy (RI)	Sawyer
Chabot	Kennelly	Saxton
Chambliss	Kildee	Scarborough
Chenoweth	Kim	Schaefer, Dan
Christensen	Klecza	Schaffer, Bob
Clayton	Klink	Schumer
Clyburn	Kucinich	Serrano
Condit	LaFalce	Sherman
Cook	Largent	Shimkus
Costello	Latham	Skeen
Cox	LaTourette	Skelton
Crapo	Lazio	Slaughter
Cubin	Leach	Smith (MI)
Cummings	Levin	Smith (NJ)
Cunningham	Lewis (KY)	Smith, Adam
Danner	Lipinski	Snowbarger
Davis (FL)	LoBiondo	Solomon
DeFazio	Lowe	Souder
Diaz-Balart	Lucas	Spratt
Dickey	Luther	Stearns
Doggett	Maloney (CT)	Stenholm
Doolittle	Maloney (NY)	Strickland
Doyle	Manton	Sununu
Dreier	Manzullo	Talent
Emerson	Markey	Taylor (MS)
Engel	Martinez	Taylor (NC)
English	Mascara	Thune
Ensign	McCarthy (MO)	Tiahrt
Etheridge	McCarthy (NY)	Tierney
Evans	McGovern	Torres
Fawell	McHale	Towns
Fazio	McHugh	Trafficant
Filner	McInnis	Turner
Forbes	McIntyre	Upton
Ford	McKeon	Velazquez
Fossella	McNulty	Walsh
Fox	Meehan	Wamp
Franks (NJ)	Menendez	Watkins
Frelinghuysen	Metcalfe	Watts (OK)
Frost	Minge	Waxman
Furse	Moran (KS)	Weldon (FL)
Galleghy	Morella	Weldon (PA)
Ganske	Nadler	Weller
Gejdenson	Neal	Weygand
Gephardt	Neumann	Whitfield
Gibbons	Ney	Wicker
Gilman	Nussle	Wise
Goode	Oberstar	Woolsey
Goodlatte	Olver	Wynn
Goodling	Ortiz	Yates
Gordon	Packard	Young (AK)
Graham	Pallone	

NOES—175

Archer	Bateman	Boyd
Armey	Bliley	Brady (PA)
Bachus	Blumenauer	Brown (FL)
Baker	Blunt	Burr
Ballenger	Boehlert	Buyer
Barr	Boehner	Callahan
Barrett (WI)	Bonilla	Canady
Barton	Bonior	Cardin
Bass	Boucher	Castle

Clay	Hunter	Pickett
Clement	Hutchinson	Pitts
Coble	Hyde	Pombo
Coburn	Jackson (IL)	Porter
Collins	Johnson, E. B.	Portman
Combest	Johnson, Sam	Rahall
Conyers	Kanjorski	Rangel
Cooksey	Kasich	Regula
Coyne	Kilpatrick	Riggs
Cramer	Kind (WI)	Rogers
Crane	King (NY)	Rohrabacher
Davis (IL)	Kingston	Roybal-Allard
Davis (VA)	Klug	Rush
Deal	Knollenberg	Sabo
DeGette	Kolbe	Sanders
Delahunt	LaHood	Sanford
DeLauro	Lampson	Scott
DeLay	Lantos	Sensenbrenner
Deutsch	Lee	Sessions
Dicks	Lewis (CA)	Shadegg
Dingell	Linder	Shaw
Dixon	Livingston	Shuster
Dooley	Lofgren	Sisisky
Duncan	Matsui	Skaggs
Dunn	McCollum	Smith (OR)
Edwards	McCrery	Smith (TX)
Ehlers	McDade	Smith, Linda
Ehrlich	McDermott	Snyder
Eshoo	McIntosh	Spence
Everett	McKinney	Stabenow
Ewing	Meek (FL)	Stark
Fattah	Meeks (NY)	Stokes
Foley	Mica	Stump
Fowler	Millender-McDonald	Stupak
Frank (MA)	Miller (CA)	Tanner
Gekas	Miller (FL)	Tauscher
Gilchrest	Mink	Tauzin
Gillmor	Mollohan	Thomas
Goss	Moran (VA)	Thompson
Granger	Murtha	Thornberry
Greenwood	Myrick	Thurman
Gutknecht	Nethercutt	Vento
Hall (OH)	Northup	Visclosky
Hamilton	Norwood	Waters
Hastert	Obey	Watt (NC)
Hastings (FL)	Owens	Wexler
Hastings (WA)	Oxley	White
Hefner	Paul	Wolf
Hobson	Pelosi	Young (FL)

## NOT VOTING—11

Becerra	Hilliard	Parker
Berman	Inglis	Paxon
Farr	Lewis (GA)	Shays
Gonzalez	Moakley	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. CHAMBLISS, Acting Chairman, pursuant to House Resolution 465, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Protection and Sexual Predator Punishment Act of 1998".

**TITLE I—PROTECTING CHILDREN FROM SEXUAL PREDATORS AND COMPUTER PORNOGRAPHY****SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.**

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

"(c) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States—

"(1) knowingly contacts an individual who has not attained the age of 18 years; or

"(2) knowingly contacts an individual, who has been represented to the person making the contact as not having attained the age of 18 years,

for the purposes of engaging in any sexual activity, with a person who has not attained

the age of 18 years, for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both. It is a defense to a prosecution for an offense under this section that the sexual activity is prosecutable only because of the age of the individual contacted, the individual contacted had attained the age of 12 years, and the defendant was not more than 4 years older than the individual contacted."

**SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.**

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1470. Transfer of obscene material to minors**

"Whoever, using the mail or any facility or means of interstate or foreign commerce—

"(1) knowingly transfers obscene material to an individual who has not attained the age of 18 years, or attempts to do so; or

"(2) knowingly transfers obscene material to an individual who has been represented to the transferor as not having attained the age of 18 years, shall be fined under this title or imprisoned not more than 5 years, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

"1470. Transfer of obscene material to minors."

**SEC. 103. INCREASED PRISON SENTENCES FOR ENTICEMENT OF MINORS.**

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end "If the individual had not attained the age of 18 years at the time of the offense, the maximum imprisonment for an offense under this subsection is 10 years."; and

(2) in subsection (b), by striking "10" and inserting "15".

**SEC. 104. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.**

(a) USE OF A CHILD.—Subsection (a) of section 2251 of title 18, United States Code, is amended by inserting "if such visual depiction was produced with materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including a computer," before "or if".

(b) ALLOWING USE OF A CHILD.—Subsection (b) of section 2251 of title 18, United States Code, is amended by inserting ", if such visual depiction was produced with materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including a computer," before "or if".

**SEC. 105. INCREASED PENALTIES FOR CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS OR CHILD PORNOGRAPHY AND TECHNICAL CORRECTION.**

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by inserting "the offense consisted of the possession of 50 or more items of the sort described in subsection (a)(4) or" after "if".

(b) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking "or chapter 109A" each place it appears and inserting ", chapter 109A, or chapter 117".

(c) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b)(2) of title 18, United

States Code, is amended by inserting "the offense consisted of the possession of 50 or more images of the sort described in subsection (a)(4) or" after "if".

(d) MODIFICATION OF POSSESSION OFFENSE.—Section 2252(a) of title 18, United States Code, is amended so that paragraph (4) reads as follows:

"(4) either—

"(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Federal Government, or in the Indian country (as defined in section 1151 of this title), knowingly possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct; or

"(B) knowingly possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that—

"(i) has been mailed, or has been shipped or transported by any means, including computer, in interstate or foreign commerce, or which was produced using materials which were mailed or so shipped or transported; and

"(ii) contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct."

(e) CHILD PORNOGRAPHY POSSESSION OFFENSE.—Section 2252A(a)(5) of title 18, United States Code, is amended in each of subparagraphs (A) and (B), by striking "3 or more images of" and inserting "an image of".

**SEC. 106. CRIMINAL FORFEITURE FOR SOLICITATION OF MINORS AND INTERSTATE PROSTITUTION.**

Section 2253(a) of title 18, United States Code, is amended by inserting ", or who is convicted of an offense under section 2421, 2422, 2423, 2252A, or 2260 of this title," after "2252 of this chapter" in the matter preceding paragraph (1).

**SEC. 107. PRETRIAL DETENTION OF CHILD SEX OFFENDERS.**

Subparagraph (C) of section 3156(a)(4) of title 18, United States Code, is amended to read as follows:

"(C) any felony under chapter 109A, 110, or 117; and"

**SEC. 108. INCREASED PRISON SENTENCES.**

Subsection (b) of section 2422 of title 18, United States Code, is amended by adding at the end the following: "If in the course of committing the offense under this subsection, the defendant used a computer to transmit a communication to the minor, the minimum term of imprisonment for the offense under this subsection is 3 years."

**SEC. 109. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.**

(a) GENERALLY.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

**"§ 2425. Repeat offenders**

"(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

"(b) As used in this section, the term 'prior sex offense conviction' means a conviction for an offense—

"(1) under this chapter or chapter 109A or 110; or

"(2) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States or in any Territory or Possession of the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of

title 18, United States Code, is amended by adding at the end the following new item:

"2425. Repeat offenders."

**SEC. 110. DEFINITION AND ADDITION OF ATTEMPT OFFENSE.**

(a) DEFINITION.—

(1) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

**"§ 2426. Definition for chapter**

"For the purposes of this chapter, sexual activity for which any person can be charged with a criminal offense includes the production of child pornography, as defined in section 2256(8)."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

"2426. Definition for chapter."

(b) ATTEMPT OFFENSE.—Section 2422(a) of title 18, United States Code, is amended by inserting "or attempts to do so," after "criminal offense."

**SEC. 111. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

**"§ 2260A. Use of interstate facilities to transmit information about a minor**

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly transmits, prints, publishes, or reproduces, or causes to be transmitted, printed, published, or reproduced, the name, address, telephone number, electronic mail address, or other identifying information of an individual who has not attained the age of 18 years for the purposes of facilitating, encouraging, offering, or soliciting any person to engage in any sexual activity for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2260A. Use of interstate facilities to transmit information about a minor."

**SEC. 112. STUDY OF PERSISTENT SEXUAL OFFENDERS.**

The National Institute of Justice, either directly or through grant, shall carry out a study of persistent sexual predators. Not later than one year after the date of the enactment of this Act, such Institute shall report to Congress and the President the results of such study. Such report shall include—

(1) a synthesis of current research in psychology, sociology, law, criminal justice, and other fields regarding persistent sexual offenders, including—

(A) common characteristics of such offenders;

(B) recidivism rates for such offenders;

(C) treatment techniques and their effectiveness;

(D) responses of offenders to treatment and deterrence; and

(E) the possibility of early intervention to prevent people from becoming sexual predators; and

(2) an agenda for future research in this area.

**SEC. 113. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.**

(a) IN GENERAL.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances from which a violation of section 2251, 2251A, 2252, or 2252A of title 18, United States Code, involving child pornography (as defined in section 2256 of such title), is apparent shall, as soon as reasonably possible, make a report of such facts or circumstances to an agency or agencies designated by the Attorney General. The Attorney General shall make a designation of the agency or agencies described in the preceding sentence not later than 180 days after the date of the enactment of this subsection. A person who fails to make a report required under this section shall be fined not more than \$100,000. A term used in this section has the same meaning given that term when used in section 226(a) of the Crime Control Act of 1990 (42 U.S.C. 13031(a)).

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

"(6) to a law enforcement agency—

"(A) if such contents—

"(i) were inadvertently obtained by the service provider; and

"(ii) appear to pertain to the commission of a crime; or

"(B) if required by section 113 of the Child Protection and Sexual Predator Punishment Act of 1998."

(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under this section may include information or material developed by an electronic communication service or remote computing service, but the Federal Government may not require an electronic communication service or remote computing service to include such information or material in that report.

**TITLE II—PUNISHING SEXUAL PREDATORS**

**SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423 CASES.**

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2423 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—The Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

**SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.**

Section 2423 of title 18, United States Code, is amended to read as follows:

**"§ 2423. Transportation of minors and assumed minors**

"(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly—

"(1) transports an individual who has not attained the age of 18 years; or

"(2) transports an individual who has been represented to the person doing that trans-

portation as not having attained the age of 18 years, in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than 15 years, or both.

"(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual activity, with another person who has not attained the age of 18 years or who has been represented to the traveler or conspirator as not having attained the age of 18 years, for which any person can be charged with a criminal offense, shall be fined under this title, imprisoned not more than 15 years, or both."

**SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.**

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

"(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section."

**SEC. 204. PUNISHMENT FOR REPEAT OFFENDERS.**

Section 2241 of title 18, United States Code, is amended by inserting after subsection (d) the following:

"(e) PUNISHMENT FOR REPEAT OFFENDERS.—(1) Whoever has twice previously been convicted of a serious State or Federal sex crime and who—

"(A) violates this section; or

"(B) in a circumstance described in paragraph (2) of this subsection, engages in conduct that would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, shall be imprisoned for life.

"(2) The circumstance referred to in paragraph (1) of this subsection is that—

"(A) the person engaging in such conduct traveled in interstate or foreign commerce or used the mail or any facility or means of interstate or foreign commerce in furtherance of the offense; or

"(B) such conduct occurs in or affects interstate or foreign commerce and would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States.

"(f) SERIOUS STATE OR FEDERAL SEX CRIME.—For the purposes of subsections (e) and (f), the term serious State or Federal sex crime means a State or Federal offense for conduct which—

"(1) is an offense under this section or section 2242 of this title; or

"(2) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States."

**SEC. 205. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.**

Section 2247 of title 18, United States Code, is amended to read as follows:

**"§ 2247. Repeat offenders**

"(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

"(b) As used in this section, the term 'prior sex offense conviction' has the meaning given that term in section 2425."

**SEC. 206. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.**

Section 2255(a) of title 18, United States Code, is amended by striking "2251 or 2252" and inserting "2241(c), 2243, 2251, 2252, 2421, 2422, or 2423".

**SEC. 207. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.**

(a) **REDUNDANCY.**—Section 2243(a) of title 18, United States Code, is amended by striking "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or".

(b) **MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.**—Section 2241(c) of title 18, United States Code, is amended by striking "younger than that person" and inserting "younger than the person so engaging".

(c) **DEFINITION OF STATE.**—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period and inserting a semicolon; and

(2) by adding a new paragraph as follows:

"(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States."

**SEC. 208. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.**

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) **DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.**—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense is under 14 years of age, the victim dies as a result of the offense, and the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2)."

**TITLE III—FEDERAL INVESTIGATIONS OF SEX CRIMES AGAINST CHILDREN AND SERIAL KILLERS**

**SEC. 301. ADMINISTRATIVE SUBPOENAS.**

(a) **IN GENERAL.**—Chapter 203 of title 18, United States Code, is amended by adding at the end the following:

**"§ 3064. Administrative subpoenas**

"(a) **AUTHORIZATION OF USE.**—In an investigation of an alleged violation of section 2241(c), 2243, 2421, 2422, or 2423 of this title where a victim is an individual who has not attained the age of 18 years, the Attorney General may subpoena witnesses, compel the production of any records (including books, papers, documents, electronic data, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing, except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where the witness was served with a subpoena. Witnesses summoned under this section shall be paid the same fees and commissions that are paid witnesses in the courts of the United States.

"(b) **SERVICE.**—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be made upon a domestic or foreign corporation or upon a

partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(c) **ENFORCEMENT.**—In the case of contumacy by or the refusal to obey a subpoena issued to any person under this section, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on, or of which the person is an inhabitant or in which the person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony regarding the matter under investigation. Any failure to obey the order of the court may be punished by the court as contempt thereof. All process in any such case may be served in any judicial district in which such person may be found."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following new item:

"3064. Administrative subpoenas."

**SEC. 302. KIDNAPPING.**

(a) **24-HOUR RULE.**—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: "However, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the twenty-four hour period has ended."

(b) **JURISDICTIONAL ELEMENTS.**—Section 1201(a) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4); and

(2) by adding after paragraph (5) the following:

"(6) the mail or any facility or means of interstate or foreign commerce is used in furtherance of the offense; or

"(7) the offense affects interstate or foreign commerce, or would do so if the offense were consummated;"

(c) **CLARIFICATION OF ELEMENT OF OFFENSE.**—Section 1201(a) of title 18, United States Code, is amended by inserting ", regardless of whether such person was alive when transported across a State boundary provided the person was alive when the transportation began" before the semicolon at the end of paragraph (1).

**SEC. 303. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

(a) **IN GENERAL.**—Chapter 33 of title 28, United States Code, is amended by inserting after section 537 the following:

**"§ 540B. Investigation of serial killings**

"(a) The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense.

"(b) For purposes of this section—

"(1) the term 'serial killings' means a series of 3 or more killings, at least one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;

"(2) the term 'killing' means conduct that would constitute an offense under section

1111 of title 18, United States Code, if Federal jurisdiction existed; and

"(3) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

(b) The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by adding at end the following new item:

"540B. Investigation of serial killings."

**SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.**

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish a Child Abduction and Serial Murder Investigative Resources Center to be known as the "Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center" (hereinafter in this section referred to as the "CASMIRC").

(b) **PURPOSE.**—The purpose of this section is to establish a Federal Bureau of Investigation Child Abduction and Serial Murder Investigative Resources Center managed by the FBI's Critical Incident Response Group's National Center for the Analysis of Violent Crime (NCAVC) and multidisciplinary resource teams in FBI field offices to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) **DUTIES OF THE CASMIRC.**—The CASMIRC shall perform such duties as the Attorney General deems appropriate to carry out the purposes of the CASMIRC, including but not limited to—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialties to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances

of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the Federal Bureau of Investigation's NCAVC in coordination with the National Center For Missing and Exploited Children (NCMEC) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with FBI personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a non-reimbursable basis, except where appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the NCMEC, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the NCMEC and OJJDP to develop a course of instruction for State and local law enforcement personnel to fa-

cilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall provide a report to Congress that describes the goals and activities of the CASMIRC. The report shall also contain information regarding the number and qualifications of the members appointed to the CASMIRC, provision for equipment, administrative support, and office space for the CASMIRC, and projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the two succeeding fiscal years.

(g) CONFORMING REPEAL.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

#### TITLE IV—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICE

##### SEC. 401. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any interactive computer service without the supervision of an official of the Federal Government.

##### SEC. 402. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—  
 (1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;  
 (2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;  
 (3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;  
 (4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;  
 (5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and  
 (6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF THE CONGRESS.—Congress strongly urges State Governors, State legislators, and State prison administrators to prohibit unsupervised access to the Internet by State prisoners.

##### SEC. 403. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) DEFINITION.—For purposes of this section, the term "State" means each of the 50 States and the District of Columbia.

#### TITLE V—SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM

##### SEC. 501. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT.

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by—  
 (1) redesignating the second subsection (g) as subsection (h); and

(2) adding at the end the following new subsection:

"(i) GRANTS TO STATES TO COMPLY WITH THE WETTERLING ACT.—

"(I) PROGRAM AUTHORIZED.—

"(i) IN GENERAL.—The Director of the Bureau of Justice Assistance shall award a grant to each eligible State to offset costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Such grant program shall be known as the "Sex Offender Management Assistance Program (SOMA)".

"(ii) USES OF FUNDS.—Grants awarded under this subsection shall be—

"(I) distributed directly to the State for distribution to State and local entities; and  
 "(II) used for training, salaries, equipment, materials, and other costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

"(2) ELIGIBILITY.—

"(i) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit an application to the Director of the Bureau of Justice Assistance (in such form and containing such information as the Director may reasonably require) assuring that—

"(I) the State complies with (or made a good faith effort to comply with) the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; and  
 "(II) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in such Act.

The Director of the Bureau of Justice Assistance may waive the requirement of subclause (II) if a State demonstrates an overriding need for assistance under this subsection.

"(ii) REGULATIONS.—

"(I) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State's monitoring and notification programs.

"(II) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director of the Bureau of Justice Assistance shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322). In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program."

(b) STUDY.—The Director of the Bureau of Justice Assistance shall conduct a study to assess the efficacy of the SOMA program and

submit recommendations to Congress not later than March 1, 2000.

(c) **AUTHORIZATION FOR APPROPRIATIONS.**—There are authorized to be appropriated to carry out subsection (i) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211), \$25,000,000 for each of fiscal years 1999 and 2000.

**TITLE VI—FACILITATING FINGERPRINT CHECKS TO PROTECT CHILDREN FROM SEXUAL PREDATORS AND VIOLENT CRIMINALS**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Volunteers for Children Act”.

**SEC. 602. ACCESS TO CRIMINAL FINGERPRINT BACKGROUND CHECKS.**

(a) **STATE AGENCY.**—Section 3(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is amended by adding at the end the following:

“(3) In the absence of State procedures referred to in paragraph (1), youth-serving volunteer organizations and institutions may contact an authorized agency of the State to request national criminal fingerprint background checks. Entities requesting background checks under this paragraph shall follow the guidelines in subsection (b) and procedures, if any, for requesting national criminal fingerprint background checks established by the State in which they are located.

(b) **FEDERAL LAW.**—Section 3(b)(5) of such Act (42 U.S.C. 5119a(b)(5)) is amended by inserting before the period at the end the following: “, except that this paragraph does not apply to any request by youth-serving volunteer organizations and institutions for national criminal fingerprint background checks pursuant to subsection (a)(3)”.

(c) **AUTHORIZATION.**—Section 4(b)(2) of such Act (42 U.S.C. 5119b(b)(2)) is amended by striking “1994, 1995, 1996, and 1997” and inserting “1999, 2000, 2001, and 2002”.

**TITLE VII—MODEL NOTIFICATION**

**SEC. 701. FINDINGS AND SENSE OF THE CONGRESS.**

(a) **FINDINGS.**—Congress finds the following:

(1) States are now required to release certain relevant information to protect the public from sexually violent offenders.

(2) Many States have not established guidelines regarding the notification and release of a sexually violent offender.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that each State should enact legislation based on the model notification process described in sections 502 through 514.

**SEC. 702. ESTABLISHMENT OF ADVISORY BOARD FOR RISK ASSESSMENT.**

(a) **ESTABLISHMENT.**—The State shall establish an Advisory Board for Risk Assessment (referred to in this title as the “Board”) which consists of not less than five members appointed by the Chief Executive Officer of the State.

(b) **DUTIES.**—The Board shall comply with the requirements and guidelines established for a State board under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 and the provisions of this title.

(c) **MEMBERSHIP.**—Each member shall, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, or community relations.

(d) **TERM.**—The term of office of each member of such Board shall be determined by the Chief Executive Officer of the State in guidelines issued pursuant to this section.

(e) **VACANCY.**—Any member chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

(f) **CHAIRPERSON.**—The Chief Executive Officer of the State shall designate one of the members of the Board as chairperson to serve in such capacity at the pleasure of the Officer or until the member's term of office expires and a successor is designated in accordance with law, whichever occurs first.

(g) **TERMINATION.**—Any member of the Board may be removed by the Chief Executive Officer for cause after an opportunity to be heard.

(h) **QUORUM.**—Except as otherwise provided by law, a majority of the Board shall constitute a quorum for the transaction of all business of the Board.

**SEC. 703. GUIDELINES FOR TIER DETERMINATION.**

(a) **IN GENERAL.**—The Chief Executive Officer of the State or a designee shall develop guidelines and procedures for use by the Board to assess the risk of a repeat offense by such sex offender and the threat posed to the public safety. Such guidelines shall be based upon the following:

(1) Criminal history factors indicative of high risk of repeat offense, including—

(A) whether the sex offender has a mental abnormality;

(B) whether the sex offender's conduct was found to be characterized by repetitive and compulsive behavior, associated with drugs or alcohol;

(C) whether the sex offender served the maximum term;

(D) whether the sex offender committed the felony sex offense against a child; and

(E) the age of the sex offender at the time of the commission of the first sex offense.

(2) Other factors to be considered in determining risk, including—

(A) the relationship between such sex offender and the victims;

(B) whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury;

(C) the number, date, and nature of prior offenses;

(D) conditions of release that minimize risk of another offense, including whether the sex offender is under supervision, receiving counseling, therapy or treatment, or residing in a home situation that provides guidance and supervision;

(E) physical conditions that minimize risk of another offense, including advanced age or debilitating illness;

(F) whether psychological or psychiatric profiles indicate a risk of recidivism;

(G) the sex offender's response to treatment;

(H) recent behavior, including behavior while confined;

(I) recent threats or gestures against persons or expression of intent to commit additional offenses; and

(J) review of any victim impact statement.

(b) **INFORMATION TRANSFER.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, any State or local correctional facility, hospital, or institution shall forward relevant information pertaining to a sex offender to be discharged, paroled, or released to the Board for review prior to the release or discharge for consideration by the Board in its recommendations. Information shall include the commitment file, medical file, and treatment file pertaining to such person.

(2) **CONFIDENTIALITY.**—All confidential records provided under paragraph (1) shall remain confidential, unless otherwise ordered by a court, by the lawful custodians of the records, or by another person duly authorized to release such information.

**SEC. 704. BOARD RECOMMENDATIONS.**

The Board shall use the guidelines established pursuant to section 503(a) to recommend to an appropriate court of the State one of the following 3 levels of notification:

(1) **TIER I.**—If the risk of a repeat offense is low, a tier 1 designation shall be given to such sex offender. In such case the designated law enforcement agency having jurisdiction and the law enforcement agency having had jurisdiction at the time of his conviction shall be notified in accordance with section 170101(b)(4) of the Violent Crime Control and Law Enforcement Act of 1994.

(2) **TIER II.**—If the risk of a repeat offense is moderate, a tier 2 designation shall be given to such sex offender. In such case the designated law enforcement agency having jurisdiction and the law enforcement agency having had jurisdiction at the time of conviction shall be notified and may notify any victim of the proposed release of such offender and any agency, organization, or group, serving individuals who have similar characteristics to the previous victim or victims of such offender. The notification may include the approximate address (by ZIP Code), background information relating to the crime, type of victim targeted, conviction, including release of a photograph of the offender, and any special conditions imposed on the offender.

(3) **TIER III.**—If the risk of a repeat offense is high and there exists a threat to the public safety, a tier 3 designation shall be given to such offender. In such case, the appropriate law enforcement agencies shall be notified of such an offender's release and may use the notification procedures described in paragraph (2), except that a precise address may be released and any relevant information necessary to protect the public concerning a specific person required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 shall be released.

**SEC. 705. JUDICIAL DETERMINATION.**

(a) **NOTIFICATION LEVEL.**—

(1) **IN GENERAL.**—An appropriate court of the State also shall make a determination with respect to the level of notification, after receiving a tier recommendation from the Board. In making the determination, the court shall review any statement by a victim or victims and any materials submitted by the sex offender. The court shall also allow the sex offender to appear and be heard, and inform the sex offender of the right to have counsel appointed if necessary.

(2) **APPEAL.**—A sex offender may appeal a determination made by the court made under paragraph (1) in accordance with State law.

(3) **NOTIFICATION AND REGISTRATION.**—The filing of the appeal shall not stay the designated law enforcement agency's notification actions unless the court orders otherwise. Such petition, if granted, shall not relieve the petitioner of the duty to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 upon conviction of an offense requiring registration in the future.

(b) **REVERSAL.**—Upon the reversal of a conviction of a sexual offense, the court shall order the expungement of any records required to be kept pursuant to this title.

**SEC. 706. PENALTY FOR MISUSE OF REGISTRATION INFORMATION.**

(a) **FINE.**—Any person who uses information disclosed pursuant to this title in violation of the law shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

(b) **CIVIL ACTION.**—The State attorney general, a district attorney, or any person aggrieved by information disclosed in violation of the law is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action.

(c) ADDITIONAL REMEDIES.—The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

**SEC. 707. JUVENILE OFFENDERS.**

(a) IN GENERAL.—A juvenile residing in a State who has been adjudicated delinquent for any sex offense or attempted sex offense, or who has been convicted of any sex offense or attempted sex offense, or who has been acquitted by reason of insanity for any sex offense or attempted sex offense shall be required to comply with the registration requirements established pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

(b) YOUTH FACILITY.—Any person who is discharged or paroled from a facility in another State that is equivalent to a Department of the Youth Authority to the custody of such a facility because of the commission or attempted commission of specified sex offenses, is required to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

**SEC. 708. OFFICIAL IMMUNITY FROM LIABILITY.**

(a) IMMUNITY.—No official, employee, or agency, whether public or private, shall be subject to any civil or criminal liability for damages for any discretionary decision to release relevant and necessary information pursuant to this section, unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

(b) INFORMATION RELEASE.—The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

(c) FAILURE TO RELEASE INFORMATION.—Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee, or agency, whether public or private, for failing to release information as authorized in this title unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

**SEC. 709. IDENTITY OF THE VICTIM.**

Any information identifying the victim by name, birth date, address, or relation to the registrant shall be excluded from public access or dissemination.

**SEC. 710. GENERAL STATE REQUIREMENTS.**

The Chief Executive Officer of a State or designee shall establish reasonable notification requirements under this title, including notification to an offender of any procedures for which the offender is required or is permitted to participate, including the hearing process, appeal rights, and submission of information to the Board.

**SEC. 711. ADVISORY COUNCIL FOR COMMUNITY EDUCATION.**

(a) IN GENERAL.—The Chief Executive Officer of a State shall appoint a voluntary advisory council to design a policy to assist communities in which a sex offender resides to plan and prepare for such a resident.

(b) COMPOSITION.—Each such advisory council shall include representation from—

- (1) law enforcement;
- (2) law enforcement organizations;
- (3) local corrections agencies;
- (4) victims groups; and
- (5) other interested members of the public.

(c) DUTIES.—In developing a policy pursuant to subsection (a), an advisory council should make recommendations that include—

- (1) the method of distributing community notification information;
- (2) methods of educating community residents at public meetings on how they can use such information to enhance their safety and the safety of their family;

(3) procedures for ensuring that community members are educated regarding the right of the sex offender not to be subjected to harassment or criminal acts; and

(4) other matters the council considers necessary to ensure the effective and fair administration of the community notification law.

**SEC. 712. EXPUNGEMENT OF OUTDATED INFORMATION.**

In accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, the department required to coordinate the sex offender registration program shall compile and update information regarding the offenders. Any offender whose duty to register has expired or who has been relieved of the duty to register shall be removed from any public database.

**SEC. 713. EXCEPTIONAL CIRCUMSTANCES.**

Nothing in this title shall be construed to prevent law enforcement officers from notifying members of the public of individuals that pose a danger under circumstances that are not described in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 or under this title.

**SEC. 714. DEFINITIONS.**

For purposes of this title:

(1) The term “criminal offense against a victim who is a minor” means any criminal offense that consists of—

- (A) kidnapping of a minor, except by a parent;
- (B) false imprisonment of a minor, except by a parent;
- (C) criminal sexual conduct toward a minor;
- (D) solicitation of a minor to engage in sexual conduct;
- (E) use of a minor in a sexual performance;
- (F) solicitation of a minor to practice prostitution;
- (G) any conduct that by its nature is a sexual offense against a minor; and
- (H) an attempt to commit an offense described in any of subparagraphs (A) through (H) if the State—

- (i) makes such an attempt a criminal offense; or
- (ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for purposes of this section.

For purposes of this paragraph, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(2) The term “sexually violent offense” means any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18, United States Code, or as described in the State criminal code).

(3) The term “mental abnormality” means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(4) The term “predatory” means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

Any offense committed in another State, which if committed in the State at issue would be one of the above enumerated offenses, is considered a sexual offense for the purposes of this title.

(5) The term “juvenile” has the meaning given such term under State law.

**TITLE VIII—CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE**  
**SEC. 801. CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.**

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

**“§ 1205. Child hostage-taking to evade arrest or obstruct justice**

“(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

“(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

“(2) compel any department or agency of the Federal Government to do or to abstain from doing any act, or attempts to do so, shall be punished in accordance with subsection (b).

“(b) SENTENCING.—Any person who violates subsection (a)—

“(1) shall be imprisoned not less than 10 years and not more than 25 years;

“(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

“(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

“(c) DEFINITION.—For purposes of this section, the term ‘child’ means an individual who has not attained the age of 18 years.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

“1205. Child hostage-taking to evade arrest or obstruct justice.”.

**TITLE IX—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT**

**Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women**

**SEC. 901. PURPOSE OF THE PROGRAM AND GRANTS.**

(a) GENERAL PROGRAM PURPOSE.—The purpose of this subtitle is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women.

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this subtitle shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;



(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) developing, enlarging, or strengthening programs addressing stalking;

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence; and

(7) developing, enlarging, or strengthening State court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking.

#### SEC. 902. STATE GRANTS.

(a) GENERAL GRANTS.—The Attorney General may make grants to States, for use by States, units of local government, and Indian tribal governments for the purposes described in section 501(b).

(b) AMOUNTS.—Of the amounts appropriated for the purposes of this subtitle—

(1) 4 percent shall be available for grants to Indian tribal governments;

(2) \$500,000 shall be available for grants to applicants in each State; and

(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this subtitle upon certification that—

(1) the funds shall be used for any of the purposes described in section 501(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

(3) up to 30 percent shall be allocated to law enforcement, up to 30 percent to prosecution grants, and at least 10 percent to State court systems; and

(4) any Federal funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

(d) APPLICATION REQUIREMENTS.—Each application shall include the certifications of qualification required by subsection (c). An application shall include—

(1) documentation from the prosecution and law enforcement programs to be assisted, demonstrating—

(A) need for the grant funds;

(B) intended use of the grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity, and language background;

(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 505; and

(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 506.

(e) DISBURSEMENT.—

(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this subtitle, the Attorney General shall—

(A) disburse the appropriate sums provided for under this subtitle; or

(B) inform the applicant why the application does not conform to the requirements of this section.

(2) REGULATIONS.—In disbursing monies under this subtitle, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes;

(D) recognize and address the needs of underserved populations; and

(E)(i) if, at the end of the 9th month of any fiscal year for which funds are appropriated under section 507, the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallocated to the current fiscal year recipients in the victim services area pursuant to section 502(c)(3) proportionate to their original allotment for the current fiscal year; and

(ii) for the first 2 fiscal years following the effective date of this Act, the Attorney General may waive the qualification requirements of section 502(c), at the request of the State and with the support of law enforcement and prosecution grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victims' services, and State court systems mandated by this subtitle adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year.

(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

(g) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subtitle.

(h) GRANTEE REPORTING.—

(1) IN GENERAL.—Upon completion of the grant period under this subtitle, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subtitle.

(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this subtitle; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(D) for failure to provide documentation, including memoranda of understanding, contract, or other document of any collaborative efforts with other agencies or organizations.

#### SEC. 903. DEFINITIONS.

In this subtitle—

(1) the term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

(2) the term "Indian country" has the meaning stated in section 1151 of title 18, United States Code;

(3) the term "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(4) the term "law enforcement" means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

(5) the term "prosecution" means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs);

(6) the term "sexual assault" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

(7) the term "underserved populations" includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

#### SEC. 904. GENERAL TERMS AND CONDITIONS.

(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this subtitle, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subtitle, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subtitle;



(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

(4) an evaluation of the effectiveness of programs funded under this subtitle.

(c) **REGULATIONS OR GUIDELINES.**—Not later than 120 days after the date of enactment of this subtitle, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

**SEC. 905. RAPE EXAM PAYMENTS.**

(a) **RESTRICTION OF FUNDS.**—

(1) **IN GENERAL.**—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subtitle unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(2) **REDISTRIBUTION.**—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) **MEDICAL COSTS.**—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

**SEC. 906. FILING COSTS FOR CRIMINAL CHARGES.**

(a) **IN GENERAL.**—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subtitle unless the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) two years.

(b) **REDISTRIBUTION.**—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

**SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle \$185,000,000 for each of fiscal years 2001, 2002, and 2003.

**Subtitle B—Grants to Encourage Arrest Policies**

**SEC. 911. PROGRAM AUTHORIZED.**

(a) **PURPOSE.**—The purpose of this subtitle is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

(b) **GRANT AUTHORITY.**—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

(c) **ELIGIBILITY.**—Eligible grantees are States, Indian tribal governments, or units of local government that—

(1) certify that their laws or official policies—

(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

**SEC. 912. APPLICATIONS.**

(a) **APPLICATION.**—An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 511(c) are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) two years of the date of enactment of this Act;

(2) describes plans to further the purposes stated in section 511(a);

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) **PRIORITY.**—In awarding grants under this subtitle, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

**SEC. 913. REPORTS.**

Each grantee receiving funds under this subtitle shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subtitle and containing such additional information as the Attorney General may prescribe.

**SEC. 914. REGULATIONS OR GUIDELINES.**

Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

**SEC. 915. DEFINITIONS.**

For purposes of this subtitle—

(1) the term “domestic violence” includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; and

(2) the term “protection order” includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

**SEC. 916. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subtitle—

(1) \$63,000,000 for fiscal year 1999;

(2) \$67,000,000 for fiscal year 2000;

(3) \$70,000,000 for fiscal year 2001;

(4) \$70,000,000 for fiscal year 2002; and

(5) \$70,000,000 for fiscal year 2003.

**TITLE X—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN**

**SEC. 1001. DEFENSE TO CRIMINAL CUSTODIAL INTERFERENCE OR PARENTAL ABDUCTION CHARGE.**

Section 1073 of title 18, United States Code, is amended by striking “Whoever moves” and inserting “(a) Whoever moves” and by adding at the end the following:

"(b) For any charge of parental abduction, of custodial interference, or of felony criminal contempt of court related to an underlying child custody or visitation determination, that would otherwise provide a basis for prosecution under this section, it shall be a defense to such prosecution that the individual against whom this section is invoked—

"(1) acted pursuant to the provisions of a court order valid when and where issued—

"(A) which granted the defendant legal custody or visitation rights;

"(B) which was obtained in compliance with section 1738A of title 28;

"(C) which is not inconsistent with such section or with the Uniform Child Custody Jurisdiction Enforcement Act as promulgated by the Uniform Law Commissioners; and

"(D) which was in effect at the time the defendant left the State;

"(2) was fleeing an incident or pattern of domestic violence or sexual assault of the child, which had been previously reported to law enforcement authorities; or

"(3) would otherwise have a defense under the terms of the International Parental Kidnapping Prevention Act (18 U.S.C. 1204).

"(c) The Attorney General shall issue guidance to assist the United States Attorneys and the Federal Bureau of Investigation in determining when to decline to initiate or to terminate an investigation or prosecution under subsection (b) due to the potential availability of any defense."

#### **SEC. 1002. FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS.**

(a) **SECTION INTENT.**—Section 1738A(a) of title 28, United States Code, is amended by adding at the end the following: "This section is intended to preempt any inconsistent State law and to apply to every proceeding in the United States or its territories that is not governed by inconsistent aspects of any treaty to which the United States Government is a signatory or has ratified that involves custody and visitation concerning a minor child. Any provisions of a protection order regarding the custody and visitation of a minor child, whether consensual or not, otherwise consistent with section 2265 of title 18 and with this section shall be given full faith and credit by the courts of any State where the party who sought the order seeks enforcement."

(b) **DEFINITIONS.**—Section 1738A(b) of such title is amended—

(1) by inserting after paragraph (3) the following:

"(4) 'domestic violence' includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;

"(5) 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim;"

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (6), (7), and (8), respectively;

(3) by redesignating paragraph (7) as paragraph (9) and by striking "and" after the semicolon;

(4) by inserting after paragraph (9) (as so redesignated) the following:

"(10) 'predominant aggressor' means the individual who has been determined to be the principal perpetrator of violence, by factors including—

"(A) history of domestic violence;

"(B) relative severity of the injuries inflicted on each person;

"(C) the likelihood of future injury to each person;

"(D) whether one of the persons acted in self-defense; and

"(E) the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, or cause severe pain or injury, or fear of harm to the other or a third person"; and

(5) by redesignating paragraph (8) as paragraph (11).

(c) **CONDITION FOR CUSTODY DETERMINATION.**—Section 1738A(c)(2)(C) of such title is amended—

(1) by striking "he" and inserting "the child, or a sibling or parent of the child,"; and

(2) by inserting ", including acts of domestic violence by the other parent" after "abuse".

(d) **JURISDICTION.**—Section 1738A(d) of such title is amended by inserting before the period at the end the following: ", except that after 2 years have passed while a child is living in another State after relocation due to domestic violence or sexual assault of the child, the court of the original State shall decline jurisdiction provided that the courts of the new State would have personal jurisdiction over the other parent under that State's law".

(e) **CHILD CUSTODY DETERMINATIONS.**—Section 1738A of such title is amended by adding at the end the following:

"(h) A court may decline to exercise jurisdiction on behalf of a parent who has engaged in domestic violence as a predominant aggressor, if a court of another State has emergency jurisdiction under subsection (c)(2)(C)(ii). A court may decline to exercise jurisdiction on behalf of a parent who has wrongfully taken the child from a State without justification, or engaged in similar unjustifiable conduct, unless no other State would have jurisdiction under any provision of subsection (c).

#### **TITLE XI—SEXUAL ASSAULT PREVENTION**

##### **Subtitle A—Standards, Practice, and Training for Sexual Assault Examinations**

#### **SEC. 1101. SHORT TITLE.**

This subtitle may be cited as the "Standards, Practice, and Training for Sexual Assault Examinations Act".

#### **SEC. 1102. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT EXAMINATIONS.**

(a) **IN GENERAL.**—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate evidence collection; and

(3) review existing national, State, and local protocols on sexual assault for forensic examinations, and based on this review, develop a recommended national protocol, and establish a mechanism for its nationwide dissemination.

(b) **CONSULTATION.**—The Attorney General shall consult with national, State, and local

experts in the area of rape and sexual assault, including but not limited to, rape crisis centers, State sexual assault and domestic violence coalitions and programs, criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, sex crimes in underserved communities as defined in 42 U.S.C. 3796gg-2(7).

(c) **REPORT.**—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the directives in subsection (a) is submitted to Congress.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$200,000 for fiscal year 1999.

#### **Subtitle B—Prevention of Custodial Sexual Assault by Correctional Staff**

#### **SEC. 1111. SHORT TITLE.**

This subtitle may be cited as the "Prevention of Custodial Sexual Assault by Correctional Staff Act".

#### **SEC. 1112. FINDINGS.**

Congress finds the following:

(1) According to an extensive 1996 report by the Women's Rights Project of Human Rights Watch, sexual abuse of women prisoners by correctional officers is a serious problem in our Nation's prisons, jails, and correctional facilities.

(2) Custodial sexual assault of women by correctional officers includes documented incidents of vaginal, oral, and anal rape.

(3) Because correctional officers wield near absolute power over female prisoners, officers may abuse that power to sexually assault and abuse female prisoners, as well as engage in constant groping, harassment, and other abuse.

#### **SEC. 1113. ESTABLISHMENT OF PREVENTION PROGRAM.**

(a) **PROGRAM GUIDELINES.**—

(1) **IN GENERAL.**—The Attorney General shall establish guidelines for States and disseminate such information to the States regarding the prevention of custodial sexual misconduct by correctional staff.

(2) **REQUIREMENTS.**—Such guidelines shall include requirements that—

(A) prohibit a State department of corrections from hiring correctional staff who have been convicted on criminal charges, or found liable in civil suits, for custodial sexual misconduct; and

(B) each State department of corrections maintain databases, including the names and identifying information of individuals who have been convicted on criminal charges or found liable in civil suits for custodial sexual misconduct and to check these databases prior to hiring any correctional staff.

(3) **NATIONAL DATABASE.**—This information shall also be submitted to the Department of Justice where it will be maintained and updated on a national database.

(b) **RELEASE OF INFORMATION.**—The information collected under subsection (a)(2) shall be treated as private data except that—

(1) such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) such information may be disclosed to government agencies conducting confidential background checks; and

(3) the designated State law enforcement agency and any local law enforcement agency authorized by the State agency may release relevant information that is necessary to protect prisoners concerning a specific person whose name is included in the database, except that the identity of a victim of an offense that requires information to be maintained under this section shall not be released.

(c) **IMMUNITY FOR GOOD FAITH CONDUCT.**—Law enforcement agencies, employees of law enforcement agencies, and State officials

shall be immune from criminal or civil liability for good faith conduct in releasing information under this section.

(d) INELIGIBILITY FOR FUNDS.—

(1) IN GENERAL.—A State that fails to implement the program as described under this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701).

(2) REALLOCATION.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

(3) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.

SEC. 1114. DEFINITIONS.

For purposes of this subtitle—

(1) the term “correctional staff” means any employee, contractual employee, volunteer, or agent of a correctional department who is working in any contact position with any prisoners under the jurisdiction of that department; and

(2) the term “custodial sexual misconduct” means any physical contact, directly or through the clothing, with the sexual or intimate parts of a person for the purpose of sexual gratification of either party, when the—

(A) parties involved are a person in custody of a correctional department and a member of the correctional staff; or

(B) contact occurs under circumstances of coercion, duress, or threat of force by a member of the correctional staff.

**TITLE XII—FULL FAITH AND CREDIT FOR PROTECTION ORDERS**

**SEC. 1201. FULL FAITH AND CREDIT FOR PROTECTION ORDERS.**

(a) Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) FORMULA GRANT REDUCTION FOR NON-COMPLIANCE.—

“(1) REDUCTION.—The Attorney General shall reduce by 10 percent (for redistribution to other participating States that comply with subsections (a) and (b)) the amount a State would receive under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 if such State fails to comply with the requirements of subsections (a), (b), and (c).

“(2) EFFECTIVE DATE.—The Attorney General may begin to reduce funds described in paragraph (1) on the first day of each fiscal year succeeding the first fiscal year beginning after the date of the enactment of this subsection.

“(e) REGISTRATION.—Nothing in this section shall require prior filing or registration of a protection order in the enforcing State in order to secure enforcement pursuant to subsection (a). Nothing in this section shall permit a State to notify the party against whom the order has been made that a protection order has been registered and/or filed in that State.”

“(f) NOTICE.—Nothing in this section shall require notification of the party against whom the order was made in order to secure enforcement by a law enforcement officer pursuant to subsection (a).”

(b) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by inserting “issued pursuant to State divorce and child custody codes” after “custody orders”; and

(2) by adding “Custody and visitation provisions in protection orders are subject to the mandates of this chapter.” after “seeking protection.”.

(b) COMPLIANCE—FULL FAITH AND CREDIT.—Within 180 days, the Attorney General shall issue regulations to determine whether a State is in compliance with 18 U.S.C. 2265(a), (b), and (c), taking into account the following factors:

(1) The State’s documented good faith efforts to ensure compliance by judicial, law enforcement, and other State officials, including the extent and nature of any training programs, outreach, and other activities.

(2) The degree to which any case of non-compliance by a State official represents an isolated incident, rather than a pattern of nonenforcement.

(3) Any barriers to compliance presented by outdated technology, recordkeeping problems, or similar issues, and the State’s documented good faith efforts to removing those barriers.

**SEC. 1202. GRANT PROGRAM.**

(a) IN GENERAL.—The Attorney General may provide grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and recordkeeping strategies to assist States, Indian tribal governments, and units of local government to enforce protective orders issued by other States, Indian tribal governments, or units of local government.

(b) USES OF FUNDS.—

(1) IN GENERAL.—Grants under this section shall provide training and enhanced technology compatible with existing law enforcement systems including the National Crime Information Center to enforce protection orders.

(2) USES OF FUNDS.—Funds received under this section may be used to train law enforcement, prosecutors, court personnel, and others responsible for the enforcement of protection orders, and to develop, install, or expand data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking protection orders and violations of protection orders and training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section, \$5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

**TITLE XIII—FEDERAL WITNESS PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE**

**SEC. 1301. WITNESS PROTECTION.**

(a) IN GENERAL.—Section 3521(a)(1) of title 18, United States Code, is amended by inserting “or of a victim of an offense set forth in chapter 110A of this title directed at victims of domestic violence,” after “other serious offense.”.

(b) OTHER ACTIONS.—Section 3521(b)(1) of title 18, United States Code, is amended by inserting “or a victim of domestic violence,” after “potential witness.”.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall establish guidelines for determining eligibility for the Federal witness protection program of persons who are eligible for that program under the amendment made by subsection (a).

**TITLE XIV—CIVILIAN JURISDICTION FOR CRIMES OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE**

**SEC. 1401. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

**“CHAPTER 212—DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENSES COMMITTED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

“3262. Definitions for chapter.

**“§ 3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States**

“(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute a misdemeanor or felony domestic violence or sexual assault offense, if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in the Federal District Court of the jurisdiction of origin.

“(b) CONCURRENT JURISDICTION.—Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

“(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval shall not be delegated.

**“§ 3262. Definitions for chapter**

“As used in this chapter—

“(1) the term ‘Armed Forces’ has the same meaning as in section 101(a)(4) of title 10;

“(2) a person is ‘employed by the Armed Forces outside of the United States’ if the person—

“(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

“(B) is present or residing outside of the United States in connection with such employment; and

“(C) is not a national of the host nation; and

“(3) a person is ‘accompanying the Armed Forces outside of the United States’ if the person—

“(A) is a dependent of a member of the Armed Forces;

“(B) is a dependent of a civilian employee of the Department of Defense;

“(C) is residing with the member or civilian employee outside of the United States; and

“(D) is not a national of the host nation.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

**“212. Domestic Violence and Sexual Assault Offenses Committed Outside the United States ..... 3261”.**

**TITLE XV—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES**

**SEC. 1501. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms “elder abuse, neglect, and exploitation”, “domestic vio-

lence", and "older individual" have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) **SEXUAL ASSAULT.**—The term "sexual assault" has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(b) **CURRICULA.**—The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

(c) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

#### **TITLE XVI—VIOLENCE AGAINST WOMEN TRAINING FOR HEALTH PROFESSIONS**

##### **SEC. 1601. SHORT TITLE.**

This title may be cited as the "Violence Against Women Training for Health Professions Act".

##### **SEC. 1602. DOMESTIC VIOLENCE AND SEXUAL ASSAULT FORENSIC EVIDENCE.**

(a) **IN GENERAL.**—In the case of a health professions, the Attorney General shall award grants and contracts, giving preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training developed in consultation and collaboration with national, State, and local domestic violence and sexual assault coalitions and programs in carrying out the following functions as a provider of health care:

(1) Identifying victims of domestic violence and sexual assault, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

(2) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice.

(b) **RELEVANT HEALTH PROFESSIONS ENTITIES.**—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing, a program for the training of physician assistants, or a program for the training of allied health professionals.

(c) **REPORT TO CONGRESS.**—Not later than 2 years after the date of the enactment of the Violence Against Women Training for Health Professions Act, the Attorney General shall submit to the House of Representatives, and the Senate, a report specifying the health professions entities that are receiving grants or contracts under this section; the number of hours of training required by the entities for purposes of such paragraph; the extent of clinical experience so required; and the types of courses through which the training is being provided, including the extent of involvement of nonprofit nongovernmental domestic violence and sexual assault victims services programs in the training.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term "domestic violence" includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social re-

lationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; and

(2) the term "sexual assault" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

#### **TITLE XVII—VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH**

##### **Subtitle A—Violence Against Women Prevention, Detection and Investigation Research**

##### **SEC. 1701. FINDINGS.**

(a) **FINDINGS.**—Congress finds the following:

(1) According to a Panel on Research on Violence Against Women convened by the National Research Council in response to the mandates by the Violence Against Women Act of 1994—

(A) significant gaps exist in understanding the extent and causes of violence against women and the impact and the effectiveness of education, prevention, and interventions;

(B) funding for research on violence against women is spread across numerous Federal agencies with no mechanism through which to coordinate these efforts or to link with other federally sponsored research initiatives; and

(C) research on violence against women would benefit from an infrastructure that supports interdisciplinary efforts and aids in integrating these efforts into practice and policy.

(2) Despite the increased funding to prevent and respond to violence against women in underserved populations, few studies have examined incidence and prevalence data from the perspective of racial, ethnic, language, age, disability, and other underserved populations. Moreover, little is known about the types of prevention, detection, and investigation strategies that are most effective in underserved populations.

(3) Most studies currently focus on aspects of domestic violence related to physical abuse. Few studies explore the harm caused by emotional and psychological abuse and the appropriate prevention, detection, and investigation strategies for victims experiencing this form of abuse.

(4) Violence exposure as a risk factor for disease must be examined for a range of diseases and diagnoses to better understand the correlation between violence and disease including intervening variables.

(5) Violence against women occurs within the context of a sociocultural environment that should be studied to assist in a greater understanding of those factors that promote and maintain violence against women and to provide a framework for developing and assessing education, prevention, and intervention strategies.

##### **SEC. 1702. TASK FORCE.**

(a) **PURPOSES.**—The Attorney General shall establish a task force to coordinate research on violence against women. The task force shall comprise representation from all Federal agencies that fund such research.

(b) **USES OF FUNDS.**—Funds appropriated under this section shall be used to—

(1) develop a coordinated strategy to strengthen research focussed on education,

prevention, and intervention strategies on violence against women;

(2) track and report on all Federal research and expenditures on violence against women;

(3) identify gaps in research and develop criteria for all Federal agencies for evaluating research proposals, taking into account the context within which women live their lives, including the broad social and cultural context as well as individual factors; and

(4) set priorities for research efforts that explore factors such as race, social, and economic class, geographic location, age, language, sexual orientation, disability, and other factors that result in violent crimes against women.

(c) **AUTHORIZATION OF APPROPRIATION.**—There shall be appropriated \$500,000 for each of fiscal years 1999, 2000, and 2001 to fulfill the purposes of this section.

##### **SEC. 1703. PREVENTION, DETECTION, AND INVESTIGATION RESEARCH GRANTS.**

(a) **PURPOSES.**—The Department of Justice shall make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to support research to further the understanding of the causes of violent behavior against women and to evaluate prevention, detection, and investigation programs.

(b) **USE OF FUNDS.**—The research conducted under this section shall include, but not be limited to the following areas and others that may be identified by the Task Force established under section 1702 of this title—

(1) longitudinal research to study the developmental trajectory of violent behavior against women and the way such violence differs from other violent behaviors;

(2) examination of risk factors for sexual and intimate partner violence for victims and perpetrators, such as poverty, childhood victimization and other traumas;

(3) examination of short- and long-term efforts of programs designed to prevent sexual and intimate partner violence;

(4) outcome evaluations of interventions targeted at children and teenagers;

(5) examination of and documentation of the processes and informal strategies women experience in attempting to manage and end the violence in their lives; and

(6) development and testing of effective methods of screening and providing services at all points of entry to the health care system, including mental health, emergency medicine, and primary care.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$6,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

##### **SEC. 1704. ADDRESSING GAPS IN RESEARCH.**

(a) **PURPOSES.**—The Department of Justice shall make grants to domestic violence and sexual assault organizations, research organizations and academic institutions for the purpose of expanding knowledge about violence against women, with a particular emphasis on exploring such issues as they affect underserved communities.

(b) **USES OF FUNDS.**—Funds appropriated under this section shall be used to examine, but not be limited to, the following areas—

(1) development of national- and community-level survey studies to measure the incidence and prevalence of violence against women in underserved populations and the definitions women use to describe their experience of violence;

(2) qualitative and quantitative research to understand how factors such as race, ethnicity, socioeconomic status, age, language, disability, and sexual orientation that result in violent crimes against women;

(3) study of the availability and accessibility of State and local legal remedies to

victims of intimate partner violence within the context of a same sex intimate relationship;

(4) the use of nonjudicial alternative dispute resolution (such as mediation, negotiation, conciliation, and restorative justice models) in cases where domestic violence is a factor, comparing nonjudicial alternative dispute resolution and traditional judicial methods based upon the quality of representation of the victim, training of mediators or other facilitators, satisfaction of the parties, and outcome of the proceedings, as well as other factors that may be identified; and

(5) other such research as may be determined by the Task Force established under section 1702 in consultation with domestic violence and sexual assault advocates, coalitions, national experts, and researchers.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$4,500,000 for each of fiscal years 1999, 2000, and 2001 to carry out this section.

#### **SEC. 1705. STUDY.**

The United States Sentencing Commission shall study the following and report to the Congress—

(1) sentences given to persons incarcerated in Federal and State prison for assault or homicide crimes in which the relationship to the victim was a spouse, former spouse, or intimate partner;

(2) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving such illicit drugs and alcohol where domestic violence occurred;

(3) the extent to which acts of domestic violence committed against the defendant, including coercion, may play a role in the commission of an offense;

(4) analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem; and

(5) recommendations with respect to the offenses described in this section particularly any basis for a downward adjustment in any applicable guidelines determination.

#### **SEC. 1706. STATUS REPORT ON LAWS REGARDING RAPE AND SEXUAL ASSAULT OFFENSES.**

(a) **STUDY.**—The Attorney General, in consultation with national, State, and local domestic violence and sexual assault coalitions and programs, including, nationally recognized experts on sexual assault, such as from the judiciary, the legal profession, psychological associations, and sex offender treatment providers, shall conduct a national study to examine the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) **REPORT.**—Based on the study required under subsection (a), the Attorney General shall prepare a report, including an analysis of the uniformity of the rape and sexual assault laws including sex offenses committed against children and sex offenses involving penetration of any kind among the States and their effectiveness in prosecuting crimes of rape and sexual assault offenses as follows:

(1) Definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense.

(2) Element of consent and coercive conduct, including deceit.

(3) Element of physical resistance and affirmative nonconsent as a precondition for conviction.

(4) Element of force, including penetration requirement as aggravating factor and use of coercion.

(5) Evidentiary matters—

(A) inferences—timeliness of complaint under the Model Penal Code;

(B) post traumatic stress disorder (including rape trauma syndrome) relevancy of scope and admissibility;

(C) rape shield laws—in camera evidentiary determinations;

(D) prior bad acts; and

(E) corroboration requirement and cautionary jury instructions.

(6) Existence of special rules for rape and sexual assault offenses.

(7) Use of experts.

(8) Sentencing—

(A) plea bargains;

(B) presentence reports;

(C) recidivism and remorse;

(D) adolescents;

(E) psychological injuries;

(F) gravity of crime and trauma to victim; and

(G) race.

(9) Any personal or professional relationship between the perpetrator and the victim.

(10) Any recommendations of the Attorney General for reforms to foster uniformity among the States in addressing rape and sexual assault offenses in order to protect victims more effectively while safeguarding due process.

(c) **DEFINITION.**—For purposes of this section, the term “rape and sexual assault offenses” includes carnal knowledge of a child, abduction with intent to defile, indecent liberties, bestiality, forcible sodomy, sexual penetration with an animate or inanimate object, forced sexual intercourse (labia majora penetration or anus penetration), cunnilingus, fellatio, anallingus, anal intercourse, sexual battery, aggravated sexual battery, and sexual abuse, accomplished by use of force, threats, or intimidation.

(d) **REPORT.**—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to Congress.

(e) **AUTHORIZATION OF APPROPRIATION.**—It is authorized that \$200,000 be appropriated to carry out the study required by this section.

#### **SEC. 1707. RESEARCH CENTERS.**

The Attorney General shall establish 3 research centers to support the development of research and training program to focus on violence against women, to provide mechanisms for collaboration between researchers and practitioners, and to provide technical assistance for integrating research into service provision. Each Center shall be organized around a research area such as epidemiology and measurement of violence against women, causes and risk factors, and prevention and intervention evaluation research. At least one of the centers shall be established at an entity other than an academic institution. There are authorized to be appropriated \$3,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

#### **TITLE XVIII—PUBLIC ACCESS TO FBI DATABASE ON SEXUAL OFFENDERS**

#### **SEC. 1801. ESTABLISHMENT OF TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE ON SEXUAL OFFENDERS.**

Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE.**

“(a) **ESTABLISHMENT.**—(1) The Attorney General shall establish, publicize, and operate a national telephone service by which a

person (as defined in subsection (f)(2)) may request the information described in paragraph (2).

“(2) The information described in this paragraph is whether an individual (as defined in subsection (f)(3)), other than a victim of an offense that requires registration under this subtitle, is listed in the database established under section 170102.

“(b) **PREREQUISITE FOR ACCESS TO INFORMATION.**—The Attorney General shall not disclose the information described in subsection (a)(2) unless the person seeking such information provides his or her full name, the full name of the individual, and one or more of the following:

“(1) The address of the individual’s residence.

“(2) The individual’s Social Security number.

“(3) The individual’s driver’s license number or the number the identification card issued by State or local authorities in lieu of a driver’s license.

“(4) The individual’s date of birth.

“(5) Such other information as the Attorney General determines to be appropriate for purposes of identification of the individual.

“(c) **NOTICE TO CALLER.**—Prior to disclosing information described in subsection (a)(2), and without charging a fee for the same, the Attorney General shall provide the following general information in the form of a recorded message:

“(1) The requirements described in subsection (b).

“(2) The fee for the use of the telephone service.

“(3) A warning that information received pursuant to such request may not be misused, as described in subsection (e), and notice of the penalties for such misuse of the information.

“(4) A warning that the service is not be available to persons under 18 years of age.

“(5) Such other information as the Attorney General determines to be appropriate.

“(d) **FEES FOR USE OF SERVICE.**—

“(1) **SEE FOR ACCESS TO INFORMATION IN DATABASE.**—The Attorney General shall charge a fee for each use of the service for information described in subsection (a) from the service.

“(2) **LIMITATION ON NUMBER OF REQUESTS.**—A person may not make more than two requests for such information per use of the service.

“(3) **USE OF FEES TO DEFRAY EXPENSES OF SERVICE.**—To the extent provided in advance in appropriations Acts, moneys received under paragraph (1) shall be used to pay for the expenses of the operation of the service.

“(e) **PENALTIES FOR MISUSE OF INFORMATION.**—

“(1) **PROHIBITIONS.**—Whoever, having obtained information described in subsection (a)(2) from the service, knowingly uses such information—

“(A) for any purpose other than to protect a minor at risk; or

“(B) with respect to insurance, housing, or any other use that the Attorney General may determine—

“(i) is unnecessary for the protection of a minor at risk; or

“(ii) which creates a disproportionate prejudicial effect,

shall be punished as provided in paragraph (2).

“(2) **CIVIL PENALTY.**—Each person who violates the provisions of paragraph (1) shall be subject to a civil penalty imposed by the Attorney General of not more than \$1,000 for each violation.

“(f) **DEFINITIONS.**—As used in this section:

“(1) **MINOR AT RISK.**—The term ‘minor at risk’ means a minor, as that term is defined in section 2256(1) of title 18, United States Code, who is or may be in danger of becoming

ing a victim of an offense, for which registration is required under this subtitle, by an individual about whom the information described in subsection (a)(2) is sought.

"(2) PERSON.—The term 'person' means a person who requests the information described in subsection (a)(2)."

"(3) INDIVIDUAL.—The term 'individual' means an individual who is required to register under this subtitle."

#### TITLE XIX—LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS

##### SEC. 1901. LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Bureau of Investigation and the Attorney General shall begin a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to this problem.

(b) CONTENTS OF STUDY.—The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy and criminal law and law enforcement options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) The possible constitutional limitations or constraints with respect to any of the matters described in paragraphs (1) through (5).

(c) FINAL REPORT.—Not later than 2 years after the date of the enactment of this section, the Federal Bureau of Investigation shall make a final report of the results of the study to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. The final report of the study shall set forth the findings, conclusions, and recommendations of the Council and shall be submitted to relevant Government agencies and congressional committees.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. JACKSON-LEE moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end the following:

#### TITLE V—LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS

##### SEC. 501. LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Bureau of Investigation and the Attorney General shall begin a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet in order to develop possible amend-

ments to Federal criminal law and other law enforcement techniques to respond to this problem.

(b) CONTENTS OF STUDY.—The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy and criminal law and law enforcement options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) The possible constitutional limitations or constraints with respect to any of the matters described in paragraphs (1) through (5).

(c) FINAL REPORT.—Not later than 2 years after the date of the enactment of this section, the Federal Bureau of Investigation shall make a final report of the results of the study to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. The final report of the study shall set forth the findings, conclusions, and recommendations of the Council and shall be submitted to relevant Government agencies and congressional committees.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

So the motion to recommit with instructions was agreed to.

Mr. MCCOLLUM, by direction of the Committee on the Judiciary and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCCOLLUM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas .....	416
Nays .....	0
Answered present	1

¶56.18

[Roll No. 230]

YEAS—416

Abercrombie	DeLauro	Jefferson
Ackerman	DeLay	Jenkins
Aderholt	Deutsch	John
Allen	Diaz-Balart	Johnson (CT)
Andrews	Dickey	Johnson (WI)
Archer	Dicks	Johnson, E. B.
Armey	Dingell	Jones
Bachus	Dixon	Kanjorski
Baessler	Doggett	Kaptur
Baker	Dooley	Kasich
Baldacci	Doolittle	Kelly
Ballenger	Doyle	Kennedy (MA)
Barcia	Dreier	Kennedy (RI)
Barr	Duncan	Kennelly
Barrett (NE)	Dunn	Kildee
Barrett (WI)	Edwards	Kilpatrick
Bartlett	Ehlers	Kim
Barton	Ehrlich	Kind (WI)
Bass	Emerson	King (NY)
Bateman	Engel	Kingston
Bentsen	English	Klecza
Bereuter	Ensign	Klink
Berry	Eshoo	Klug
Bilbray	Etheridge	Knollenberg
Bilirakis	Evans	Kolbe
Bishop	Everett	Kucinich
Blagojevich	Ewing	LaFalce
Bliley	Fattah	LaHood
Blumenauer	Fawell	Lampson
Blunt	Fazio	Lantos
Boehlert	Filner	Largent
Boehner	Foley	Latham
Bonilla	Forbes	LaTourette
Bonior	Ford	Lazio
Bono	Fossella	Leach
Borski	Fowler	Lee
Boswell	Fox	Levin
Boucher	Frank (MA)	Lewis (CA)
Boyd	Franks (NJ)	Lewis (KY)
Brady (PA)	Frelinghuysen	Linder
Brady (TX)	Frost	Lipinski
Brown (CA)	Furse	Livingston
Brown (FL)	Gallagher	LoBiondo
Brown (OH)	Ganske	Lofgren
Bryant	Gejdenson	Lowe
Bunning	Gekas	Lucas
Burr	Gephardt	Luther
Burton	Gibbons	Maloney (CT)
Buyer	Gilchrest	Maloney (NY)
Callahan	Gilman	Manton
Calvert	Goode	Manzullo
Camp	Goodlatte	Markey
Campbell	Goodling	Martinez
Canady	Gordon	Mascara
Cannon	Goss	Matsui
Capps	Graham	McCarthy (MO)
Cardin	Granger	McCarthy (NY)
Carson	Green	McCollum
Castle	Greenwood	McCrery
Chabot	Gutierrez	McDade
Chambliss	Gutknecht	McDermott
Chenoweth	Hall (OH)	McGovern
Christensen	Hall (TX)	McHale
Clay	Hamilton	McHugh
Clayton	Hansen	McInnis
Clement	Harman	McIntosh
Clyburn	Hastert	McIntyre
Coble	Hastings (FL)	McKeon
Coburn	Hastings (WA)	McKinney
Collins	Hayworth	McNulty
Combest	Hefley	Meehan
Condit	Hefner	Meek (FL)
Conyers	Herger	Menendez
Cook	Hill	Metcalf
Cooksey	Hilleary	Mica
Costello	Hinchey	Millender-
Cox	Hinojosa	McDonald
Coyne	Hobson	Miller (CA)
Cramer	Hoekstra	Miller (FL)
Crane	Holden	Minge
Crapo	Hooley	Mink
Cubin	Horn	Mollohan
Cummings	Hostettler	Moran (KS)
Cunningham	Houghton	Moran (VA)
Danner	Hoyer	Morella
Davis (FL)	Hulshof	Murtha
Davis (IL)	Hunter	Myrick
Davis (VA)	Hyde	Nadler
Deal	Istook	Neal
DeFazio	Jackson (IL)	Nethercutt
DeGette	Jackson-Lee	Neumann
Delahunt	(TX)	Ney